

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated March 15, 2005 are respectfully requested. Claims 15, 30 and 31 have been amended to correct typographical errors. Claims 1, 16, 21, 25, 31, 35 and 36 have been amended to more clearly define aspects of the invention. Claims 15 and 17 have been cancelled. By this response, claims 1-14, 16 and 18-40 are currently pending in this application.

The applicant's representative wishes to thank the Examiner for the thorough office action, including the specific recitation of portions within the applied references with respect to certain claims. The applicant's representative also wishes to thank Examiners Gillis and Luu for holding a personal interview on July 19, 2005. During the interview, the parties discussed the cited references, the independent claims, and embodiments of the invention. Further details regarding the substance of the interview may be found below. If the Examiners believe that any additional information regarding the interview is necessary, please the undersigned attorney know.

Embodiments of the invention are first discussed, followed by a discussion of the applied references. Next, distinctions between the claims and the applied references are discussed.¹

Objections to the Abstract

The abstract has been amended to comply with the Examiner's objections.

Objections to the Claims

¹ Silence regarding a position taken by or argument made by the Examiner does not indicate any acquiescence to that position or argument. Furthermore, arguments made with respect to a particular claim or claims apply only to that claim or claims, and not to other claims, unless specifically noted herein.

Claims 30 and 31 stand objected to because of typographical errors. Claims 30 and 31 have been amended to correct the errors.

Claim Rejections Under 35 U.S.C. § 112

Claim 15 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 15 has been amended to provide proper antecedent basis for "computer user."

Embodiments of the Claimed Invention

Embodiments of the claimed invention are directed to a system and method of enabling computer users to select from a plurality of service providers. In some cases, the computer user uses a client application to select a service provider from a plurality of service providers presented to the computer user. In some cases, the system first presents to the computer user a service provider session page upon which the computer user may then select a service provider and have access to a high-speed data network.

In some embodiments, the system invokes a "persistent client" to control and monitor a high-speed data connection with a fixed or wireless network, including various Internet Service Providers (ISPs). The persistent client typically is installed on a user's PC. The user registers for various ISPs and the system stores the registration information in the system network. In this manner, the system is able to combine the registration, activation, and authentication processes into a single data service. The system then presents the list of ISPs to the user, and upon a selection made by the user, utilizes the persistent client and stored registration information to connect the user to the chosen ISP.

The Xu Reference

Xu is directed to a method of connecting a source of digital data to a computer network. The method involves extracting a user's authentication data from the digital data

and determining whether the user is authorized to access the computer network. See column 2, lines 30-40. Xu indicates the use of two tunnel servers. For example, Figure 1 shows tunnel server 30 and second tunnel server 34. Wireless terminals 12 and 14 are connected to a local communications chassis which can then access a computer network 24 through the first tunnel server 30. The architecture of Figure 1 also allows an Internet Service Provider (ISP) in charge of operating the communications chassis 20 to provide access for their customers as well as customers of other ISPs. Authentication servers 32A and 32B are connected to the ISP's backbone network 26 and utilize the second tunnel server 34 to connect to a second ISP's backbone network 38. Therefore, if a user attempts to access the computer network 24 via the first tunnel server 30 and the user is not a customer of the ISP operating the communications chassis 20, the ISP may contact a second ISP through the second tunnel server 34 and authenticate the user as a customer of the second ISP. Upon authentication, the ISP operating the communications chassis allows the user access of the computer network 24. These features allow a managing ISP the ability to provide internet access to users that are not customers, while a user only connects to the computer network 24 through one ISP. See Figure 1 and column, line 55 – column 5, line 45. These features are automatically performed in Xu and do not allow for user choice. Xu describes that the "identification of the tunneling server is determined, in a preferred embodiment, by the authentication data extracted from the incoming call...The step of determining may be practiced, for example, by looking in a software look up table the tunneling server and required protocol associated with the remote user 12." See column 9, lines 13-34.

The Larkins Reference

Larkins is directed to a system and method to provide **radiotelephone service to a radiotelephone**. The system uses an internet access device to access a web server that provides a web page that displays and makes available a plurality of radiotelephone services and features. See column 1, lines 28-35. The method, shown in Figure 7, includes the steps of accessing a web page, entering a user's ID information, validation of

the ID information, choosing from a menu of options, and storing an updated profile. Figures 4-6 show some of the radiotelephone services available to a user. For example, Figure 5 shows options of changing a radiotelephone service plan or changing the basic features (such as enabling call waiting) provided to the user.

The Bouvier Reference

Bouvier is directed to a generic network access service. The service stores information about the user and provides a single access telephone number to a user, and then connects to the network by calling the single access number. See column 5, lines 1-6 and 50-60.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 2, and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,151,628 to Xu et al.²

The Office Action notes the following steps involved in the method of Xu: "identifying a tunnel server 30 or 34 linked via a local area or wide area network 26 to the communications chassis 20 be used to provide access to the source 12 of digital data to the computer network, and routing digital data from the source 12 of digital data to the tunneling server 30 to provide the access to the computer network 24" (column 9, lines 12-18). The Office Action then argues that these steps in Xu *inherently* "routes data that allows the user to select a service provider using the single connection." Applicants respectfully disagree for the following reasons.

² MPEP section 2131, p. 70 (Feb. 2003, Rev. 1). See also, *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1462 (Bd. Pat. App. & Interf. 1990) (to establish a *prima facie* case of anticipation, the Examiner must identify where "each and every facet of the claimed invention is disclosed in the applied reference."); *Glaverbel Société Anonyme v. Northlake Mktg. & Supply, Inc.*, 45 F.3d 1550, 1554 (Fed. Cir. 1995) (anticipation requires that each claim element must be identical to a corresponding element in the applied reference); *Atlas Powder Co. v. E.I. duPont De Nemours*, 750 F.2d 1569, 1574 (1984) (the failure to mention "a claimed element (in) a prior art reference is enough to negate anticipation by that reference").

Claim 1 describes a system for enabling a computer user to select from multiple service providers, comprising at least the element of "wherein the computer user may select, using the client application, a one service provider from a plurality of available service providers using a single high-speed data connection via the at least one tunnel server, before the computer device with the client application is connected to a network associated with the one service provider." As shown in the previous discussion of the reference, Xu does not disclose a system allowing a user to select a service provider from multiple available service providers. On the contrary, the system of Xu gives an ISP the functionality of providing access to users who are not customers of the ISP. Therefore, it is not inherent in Xu to allow a user to select a service provider from multiple service providers because the system of Xu seeks to enable **all users** to gain access to a network through **one (initial) service provider**. No choice is provided to the user under Xu, let alone a client application to provide such a choice.

Therefore, applicants respectfully submit that Xu does not anticipate claim 1 (and, therefore does not anticipate dependent claims 2 and 11) and requests the Examiner withdraw his rejection.

Claims 16-20, 25, 26, 31 and 35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,295,291 to Larkins.

The Office Action cites Figures 4 and 5 and suggests that the computer-readable medium disclosed by Larkins stores a client application that "shows a menu for the connection over the network" and "shows an option on the menu that will allow the user to choose a service provider" and "shows an option to change service providers from a selection." Applicants respectfully disagree for the following reasons.

As discussed above, Larkins is directed to an application used to set up **radiotelephone** subscriber services. Claim 16 is directed to a client application installed on a **computer device**, where the client application presents a user with tools for

controlling and monitoring a high-speed data connection over a high-speed data network. Larkins describes aspects of his system as a radiotelephone "service provider's profile management home page" and as a "login page" (column 5, lines 20-30). The system reflected in figures 4 and 5 does not show, inter alia, "a tools menu including tools for controlling and monitoring a high-speed data connection over the high-speed data network," as recited in claim 16.

Possibly more importantly, Larkins does not present "the user with an option to choose a service provider session page," or upon the user choosing, "presents the user with a plurality of service providers from which to choose and after the user chooses a service provider from the plurality of service providers under the service provider session page, then connects the computer device to the chosen service provider over the high-speed data network." On the contrary, a subscriber under Larkins gains access "assuming the web browser program is running." (column 5, line 23). In order to use the pages of Figures 4 and 5, the user must first connect to a network using an internet access device 101 such as "a desktop computer running a world wide web access program referred to as a web browser" (column 2, lines 15-18). Therefore, the system of Larkins is only reachable through a web browser, and thus a user is already connected with a service provider to be able to access tools provided under Larkins. In contrast, the invention of claim 16 provides tools and options to a user **before** connecting to a service provider.

Claim 25 recites similar features to that of claim 16, including the features of "before accessing a high-speed data environment" and "upon the user selecting a service provider from the list of service providers and clicking a connect button, establishing a connection between a computer device operated by the computer user and the selected service provider." As discussed above, a user may use the system of Larkins **only after** connecting to a network using an internet access device.

Claim 31 recites similar features to that of claims 16 and 25, including the feature of "before accessing a high-speed data network, displaying the list of service providers from

which the user may choose based on a single user-input action." As discussed above, a user may use the system of Larkins **only after** connecting to a network using an internet access device.

Claim 35 recites similar features to that of claims 16 and 25 and 31, including the feature of "connecting means for connecting the user to the selected service provider after the user selects a service provider." As discussed above, a user may use the system of Larkins **only after** connecting to a network using an internet access device.

Therefore, Larkins does not anticipate claims 16, 25, 31, 35 and any depending claims (17-20 and 26) and applicant respectfully requests the Examiner withdraw his rejection.

Claim Rejections Under 35 U.S.C. 103

Claims 3-10 and 12-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,151,628 to Xu et al. in view of U.S. Patent No. 6,295,291 to Larkins.

Claims 3-10 and 12-14 depend from claim 1, discussed above, and are patentable at least for the reasons stated above.

Claim 15 has been cancelled in order to expedite prosecution of the application, and therefore the rejection regarding claim 15 is moot.

Claims 21-24, 27-30 and 32-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,295,291 to Larkins in view of U.S. Patent No. 6,430,276 to Bouvier et al.

Claim 21 is directed to a method of enabling a user to choose a service provider from a list of service providers, including the step of "before accessing one or more high-

speed data networks" and "upon the user choosing a service provider and clicking a connect button, connecting the user to the chosen service provider over the one or more high-speed data networks." The Office Action cites Figure 5 to suggest that Larkins "teaches of selecting a long distance carrier from a list provided and upon clicking submit the changes will take effect and connecting the user with the long distance carrier." Applicants respectfully disagree for the following reasons.

As discussed above, a user gains access to the page shown in Figure 5 after connecting to the internet via an internet access device 101, which connects the user to the world wide web. The user may, using the page shown in Figure 5, change the long distance carrier for their radiotelephone. However, they cannot do so unless they already are connected to the web with device 101. On the other hand, the method of claim 21 connects a user to a chosen service provider **after** the user chooses a service provider and clicks a connect button.

As discussed above, Bouvier provides a single access telephone number to a user, and then connects to a network by calling the single access number. After this connection, the user accesses services provided by Bouvier.

Therefore, neither Bouvier nor Larkins describe the feature of "upon the user choosing a service provider and clicking a connect button, connecting the user to the chosen service provider over the one or more high-speed data networks." Therefore, applicants respectfully request the rejection be withdrawn with respect to claim 21 and any depending claims (22-24 and 27-30).

Claims 36-38 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,151,628 to Xu et al. in view of U.S. Patent No. 6,430,276 to Bouvier et al.

Claim 36 is directed to method of enabling a user to choose a service provider from a list of service providers, including the feature of "before accessing one or more high-

speed data networks...receiving a list of service providers available for user registration from a server computer wherein the service providers provide access to the high-speed data networks." The Office Action acknowledges the Xu reference does not teach this feature, and suggests the feature can be found in Bouvier. Applicants respectfully disagree for the following reasons. As cited by the Examiner, Bouvier discloses "an access to database 50 to retrieve the customer profile corresponding to that person. That profile includes the list of access service providers to with this person has subscribed and their associated Access parameters" (column 6, lines 11-16). The "list of access service providers to with this person has subscribed" directly contrasts the claimed feature of "a list of service providers **available** for user registration." In addition, as discussed above, neither Xu nor Bouvier provide a list of service provides from which a user can choose **before** the user accesses a high-speed data network.

Therefore, the combination of Xu in view of Bouvier does not disclose all of the features of claim 36, and applicants respectfully request the rejection of claim 36 and dependent claims 37, 38, and 40 be withdrawn.

Claim 39 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,151,628 to Xu et al. in view of U.S. Patent No. 6,430,276 to Bouvier et al., and further in view of U.S. Patent No. 6,295,291 to Larkins.

Claim 39 is dependent from claim 36, and therefore is patentable at least for the reasons stated above.

Conclusion

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3090.

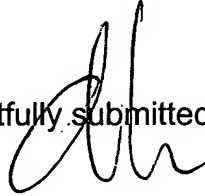
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The Commissioner is hereby authorized to charge shortages or credit overpayment to our Deposit Account No. 50-0665, under Order No. 364388034US1 from which the undersigned is authorized to draw.

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Respectfully submitted,



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